

potentially responsible parties to undertake response actions.

(e) Because state and local public safety organizations would normally be the first government representatives at the scene of a discharge or release, they are expected to initiate public safety measures that are necessary to protect the public health and welfare and that are consistent with containment and cleanup requirements in the NCP, and are responsible for directing evacuations pursuant to existing state or local procedures.

[59 FR 47473, Sept. 15, 1994, as amended at 80 FR 37121, June 29, 2015; 83 FR 5209, Feb. 6, 2018; 84 FR 56670, Oct. 22, 2019; 85 FR 22342, Apr. 21, 2020]

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION

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AUTHORITY: 33 U.S.C. 1251 *et seq.*

SOURCE: 50 FR 13474, Apr. 4, 1985, unless otherwise noted.

§ 302.1 Applicability.

This regulation designates under section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (“the Act”) those substances in the statutes referred to in section 101(14) of the Act, identifies reportable quantities for these substances, and sets forth the notification requirements for releases of these substances. This regulation also sets forth reportable quantities for hazardous substances designated under section 311(b)(2)(A) of the Clean Water Act.

§ 302.2 [Reserved]

§ 302.3 Definitions.

As used in this part, all terms shall have the meaning set forth below:

The Act, *CERCLA*, or *Superfund* means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Pub. L. 96–510);

Administrator means the Administrator of the United States Environmental Protection Agency (“EPA”);

Animal waste means feces, urine, or other excrement, digestive emission, urea, or similar substances emitted by animals (including any form of livestock, poultry, or fish). The term “animal waste” includes animal waste that is mixed or commingled with bedding, compost, feed, soil, or any other material typically found with such waste.

Consumer product shall have the meaning stated in 15 U.S.C. 2052;

Environment means (1) the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Fishery Conservation and Management Act of 1976, and (2) any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States;

Facility means (1) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (2) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel;

Farm means a site or area (including associated structures) that—

(1) Is used for—

(i) The production of a crop; or

(ii) The raising or selling of animals (including any form of livestock, poultry, or fish); and

(2) Under normal conditions, produces during a farm year any agricultural products with a total value equal to not less than \$1,000.

Hazardous substance means any substance designated pursuant to 40 CFR part 302;

Hazardous waste shall have the meaning provided in 40 CFR 261.3;

Navigable waters means the waters of the United States, including the territorial seas, as defined in §120.2 of this chapter.